

1 Daniel D. Maynard, No. 009211
2 **MAYNARD CRONIN ERICKSON &**
3 **CURRAN, P.L.C.**
4 3200 North Central Avenue, Suite 1800
5 Phoenix, Arizona 85012
6 (602) 279-8500
7 dmaynard@mmcec.com

8 Daniel R. Drake, No.003781
9 **DRAKE LAW, PLC**
10 4340 East Indian School Road, Suite 21-113
11 Phoenix, Arizona 85018
12 (602) 881-5341
13 drakelawplc@gmail.com

14 Attorneys for Defendant

15 **UNITED STATES DISTRICT COURT**
16 **DISTRICT OF ARIZONA**

17 United States of America,
18 Plaintiff/Respondent,
19 v.
20 Abdul Malik Abdul Kareem,
21 Defendant/Movant.

2:15-cr-00707-SRB

22 **MOTION FOR VIRTUAL**
23 **TESTIMONY VIA TELEPHONE**
24 **OR ZOOM**

25 The defense moves the Court for an order permitting it to present witnesses
26 virtually through telephone or Zoom at the re-sentencing proceedings scheduled for
27 October 19, 2021.

28 Counsel has spoken with Assistant U.S. Attorney Koehler regarding this motion.
The government has no objection to the process that would allow the witnesses to testify

1 remotely or virtually, but the government reserves its right to challenge the relevance or
2 appropriateness of the substance of the testimony.

3 No excludable delay under 18 U.S.C. § 3161 will occur as a result of this motion or
4 an order thereon.

5
6 RESPECTFULLY SUBMITTED this 18th day of October, 2021.

7 **MAYNARD CRONIN ERICKSON**
8 **& CURRAN, P.L.C.**

DRAKE LAW, PLC

9
10 By /s/Daniel D. Maynard
Daniel D. Maynard
11 3200 North Central Avenue, Ste. 1800
Phoenix, Arizona 85012
12 Attorneys for Defendant/Appellant

By /s/Daniel R. Drake
Daniel R. Drake
13 4340 E Indian School Road
Suite 21-113
Phoenix, Arizona 85078
Attorneys for Defendant/Appellant

14
15 **MEMORANDUM**

16 The defense wishes to call two lay witnesses and one expert witness in connection
17 with the re-sentencing set for October 19, 2021. One witness is in Nevada, one in
18 Minnesota, and the third in Connecticut. Remote testimony is already planned for use in
19 this case with the government witnesses.

20
21 Permitting remote testimony of defense witnesses would make it easier for the
22 witnesses to offer their testimony. Two are employed and the third is a foster parent for
23 a three-month old. It would work a hardship on these witnesses to require them to testify
24 in person, perhaps sufficient a hardship for them to seek some sort of relief from the
25
26
27
28

1 obligation to appear. Additionally, it would give the appearance of unequal treatment for
2 government and defense witnesses.

3 The clerk's office has indicated that it has already set up a Zoom video call that
4 present audio and video of the witnesses. The clerk can place non-testifying witnesses in
5 a secure virtual waiting room queued up ready to testify when called. It also can share
6 exhibits from the courtroom with the remote witnesses. They already have this set up for
7 the prosecution witnesses, and could add the three defense witnesses, if permitted by the
8 Court.
9
10

11 For the foregoing reasons, the defense moves the Court to order that the three
12 defense witnesses may testify remotely in connection with the re-sentencing scheduled
13 for October 19, 2021.
14

15 RESPECTFULLY SUBMITTED this 18th day of October, 2021.

16 **MAYNARD CRONIN ERICKSON &**
17 **CURRAN, P.L.C.**

18 By /s/Daniel D. Maynard
19 Daniel D. Maynard
20 3200 North Central Avenue, Ste. 1800
21 Phoenix, Arizona 85012
22 Attorneys for Defendant/Appellant

23 **DRAKE LAW, PLC**

24 By /s/Daniel R. Drake
25 Daniel R. Drake
26 4340 East Indian School Road
27 Suite 21-113
28 Phoenix, Arizona 85018
 Attorney for Defendant/Appellant

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

Abdul Malik Abdul Kareem #44126-408
Central Arizona Florence Correctional Complex
P.O. Box 6300
Florence, AZ 85132

4